

REMARKS AND ARGUMENTS

Amendments to the Claims

Claim 1 is amended to change the phrasing from "and the pharmaceutically acceptable salts and prodrug forms thereof" to "or the pharmaceutically acceptable salts thereof."

Rejection under 35 USC §112

Claim 1 stands rejected under §112, 2nd ¶, because the Examiner deems the phrase "and the pharmaceutically acceptable salts and prodrug forms thereof" indefinite. The subject language has been amended to "or the pharmaceutically acceptable salts thereof," per the Examiner's helpful suggestion (for which he is thanked). It is submitted that, therefore, this rejection is overcome. Reconsideration and withdrawal of the rejection is respectfully requested.

Double Patenting Rejection

Claim 1 stands provisionally rejected under §101 as claiming the same invention as claim 14 of sibling application no. 10/825,788 (the "'788 application"). In an amendment submitted even date herewith for the '788 application, claim 14 there has been cancelled, thereby mooting this rejection. Reconsideration and withdrawal of this rejection is respectfully requested.

Conclusion

In conclusion, it is submitted that this application is in condition for allowance. A prompt and favorable action is earnestly solicited.

Respectfully submitted,

Sep. 15, 2004
Date

Yuan Chao
Yuan Chao
Reg. No. 32,118
Telephone (510) 751-5156
Facsimile (510) 751-5143